

REMARKS

Claims 1, 2 and 6 have been amended. Support for the claim amendments can be found at FIG. 1, for example.

Claims 1, 2, 6 and 8 are currently pending and under consideration. Reconsideration is respectfully requested.

I. REJECTION OF CLAIMS 1, 2, 6 AND 8 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER REYNOLDS (U.S. PATENT NO. 5,742,499):

Claim 1 of the present invention has been amended to recite "A communications method of performing communications by switching over a plurality of communication modes, comprising: measuring a communication performance between **a plurality of communication devices each comprising a CPU and a memory and being connected via a network**, by measuring a communication time of each of the communication modes of one of the communication devices under a plurality of communication conditions **comprising a version of an operating system corresponding to each of the communication devices**; obtaining a condition-based optimum communication mode in which the communication time in one of the communication modes of the one of the communication devices, exceeds a communication time of other communication modes per communication condition of the one of the communication devices; and selecting the condition-based optimum communication mode in accordance with the communication condition when in communications with the other communication device, and performing the communications between the communication devices based on the condition-based optimum communication mode of the one of the communication devices." Claims 2 and 6 have been amended to recite features somewhat similar to those recited in amended claim 1. Therefore, the following comments may also be applied to the rejection of these claims.

Various embodiments of the present invention, determine a communication mode by comparing communication performance comprising hardware specification and a version of an operating system (OS) of a communication device. The nodes in the present invention assume a heterogeneous environment, which means that hardware specifications and versions of OS of the nodes are not homogeneous. Thus, in the present invention, performance is measured at every node.

As previously mentioned, Reynolds discloses a **multi-processor parallel processing**

computer environment in which different communication modes are available for performing an information distribution operation between **processors**. Again, the technique includes automatically selecting an optimal communications mode at operation run-time. The selection decision utilizes hardware parameters of the system (i.e., communication speed between processors) and run-time parameters (i.e., number of nodes to broadcast a message to) (see Abstract; and FIG. 3, for example). That is, in Reynolds, the communication mode selection decision seeks to optimize factors such as time required to execute or work space requirements of the distribution operation.

The Applicant respectfully traverses the Examiner's assertion of obviousness as mentioned at page 3 of the October 17, 2006 Office Action, and respectfully submits that a "parallel processing system having a plurality of processors" is not comparable to "measuring a communication performance between **a plurality of communication devices each comprising a CPU and a memory and being connected via a network**" as recited in amended claim 1. That is, a parallel processing system is a single computer that uses several processors connected in parallel (working concurrently). Thus, the teachings of Reynolds are fundamentally different from that of the present invention.

In addition, the Applicant respectfully submits that Reynolds discloses executing a network speed test in order to check hardware performance. Reynolds does not disclose executing a network speed test between all nodes.

Further, "performing a plurality of operations" as discussed in Reynolds is not the comparable to "measuring a communication performance between a plurality of communication devices each comprising a CPU and a memory and being connected via a network," as recited in claim 1, for example.

As mentioned above, assuming a heterogeneous environment in the present invention, it is possible that communication parameters are different at each node (see page 2 of the specification of the present invention).

Therefore, it is respectfully submitted that Reynolds fails to establish a prima facie case of obviousness over the present invention. Therefore, it is respectfully submitted that the rejection is overcome.

II. CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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